

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

MERCY HOUSING AND
SHELTER CORPORATION

Employer ¹

and

NEW ENGLAND HEALTH CARE EMPLOYEES
UNION, DISTRICT 1199, AFL-CIO

Petitioner

Case No. 34-RC-1785

DECISION AND DIRECTION OF ELECTIONS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.
2. The Employer is a non-profit corporation with its administrative offices located at 45 Wyllys Street in Hartford, Connecticut, two facilities located at 118 Main Street and 117 Wethersfield Avenue in Hartford, and one facility located at 112 Bow Lane in Middletown, Connecticut. The Petitioner seeks to represent a unit of approximately 65 professional and non-professional employees at all four facilities. The Employer contends that the Board should decline to assert jurisdiction because the Employer is a religious institution and does not satisfy the Board's monetary standard for asserting jurisdiction. There is no history of collective bargaining involving any of the petitioned-for employees.

The Employer was established in the early 1980s by the Sisters of Mercy of Connecticut, Inc., a religious order which has existed in the State of Connecticut since the 1800s. The Sisters of Mercy are women who take religious vows and operate ministries throughout the State of Connecticut.² In the early 1980s, the Sisters of Mercy decided to extend their ministry to the homeless, and learned that a homeless shelter located at 118 Main St. in Hartford, which was being operated at that time by another religious organization, had been put up for sale. As a result, the Employer was formally incorporated by the Sisters of Mercy in order to borrow the money with which to purchase and operate the Main St. facility. That facility now consists of Hartford Residential Services, which provides 60 to 65 residential and shelter beds; Neighborhood Services, which includes a soup kitchen, a day shelter, pre-school and after-school programs, family counseling, clothing and medical services; Mental Health Services, which caters to individuals who have been de-institutionalized; and the Supportive Housing Program, which provides counseling services to people in the community who have AIDS.

The Employer subsequently established three other facilities: the Wethersfield Avenue facility, a nine unit residence for homeless substance abusers with AIDS; the Middletown facility, which the Employer operates pursuant to a contract with the City of Middletown, and which provides a transitional living program (e.g., employment counseling and health services) for homeless adults with a goal toward placing them in permanent housing; and the Wyllys Street facility, the Employer's administrative offices where no client services are provided.

The Employer's "Amended and Restated Certificate of Incorporation" describes the nature and purpose of its activities as follows:

¹ The Employer's name appears as amended at the hearing.

² I take administrative notice of my decision in *Mercyknoll, Inc.*, Case No. 34-RC-1523 (1/16/98), in which I decided that it would effectuate the purposes of the Act to assert jurisdiction over a nursing home in West Hartford, Connecticut operated by the Sisters of Mercy. On February 13, 1998, the Board denied the employer's request for review of that decision.

To operate exclusively for charitable, religious, educational and scientific purposes within the meaning of Section 501(c)3 of the Internal Revenue Code of 1986, as amended. The activities of the Corporation shall consist primarily of providing housing and temporary shelter for indigent and low income families, children and elderly needy persons.

The Amended and Restated Certificate of Incorporation authorizes the Employer to “. . . acquire real and personal property by purchase, lease or the acceptance of gifts, devises or bequests” and to “sell, convey, lease, mortgage or otherwise encumber the same. . . .”³

The Employer is run by a Board of Trustees consisting of between 18 and 21 members. All members of the Board are appointed by the Sisters of Mercy. However, only three Board members must be members of the Sisters of Mercy. There is no other requirement that individuals have any affiliation with the Sisters of Mercy or any particular religious group in order to serve on the Board. As a result, a majority of the Board of Trustees are not members of the Sisters of Mercy. The Board of Trustees is responsible, inter alia, for hiring the Employer’s Executive Director. The Executive Director, who is presently a member of the Sisters of Mercy and who sits on its Board of Trustees as an ex officio member, is responsible in for hiring all other employees and directly overseeing the Employer’s daily operations.

There is no requirement that any of the Employer’s employees be members of the Sisters of Mercy or any other religious organization. In this regard, at the time of the hearing only four of the Employer’s 100 employees had taken religious vows. At the time of hire, employees are not asked about their religious affiliation. Rather, they are only asked whether they could subscribe to the Employer’s Mission Statement. The Mission Statement, which was prepared by a committee composed of employees, clients and the Board of Trustees, is posted throughout the Employer’s facilities and states the following:

³ Although the Certificate also states that the Employer “. . . shall be subject at all times to the general laws and discipline of the Roman Catholic Church and to the special rules and constitution of the Sisters of Mercy of the Americas, Regional Community of Connecticut,” the Executive Director testified that this means that the Employer “would not take a position that would be contrary to the church.”

Mercy Housing and Shelter Corporation, a nonprofit organization sponsored by the Sisters of Mercy, responds to the needs of those who are homeless by providing them with food, housing, shelter, education and support services in an atmosphere that respects each person. Mercy Housing and Shelter advocates on behalf of individuals while challenging injustice in social systems.

None of the Employer's facilities or services are reserved for members of the Sisters of Mercy or any other religious organization, and services are provided regardless of religious affiliation. Religious services are not regularly performed at any of the Employer's facilities, nor do any of the Employer's employees perform any religious instruction as part of their duties.

The majority of the Employer's services are provided to its clients without a fee. Thus, of the Employer's \$3.7 million budget for the past year, \$232,000 was derived from fees charged to clients. Approximately 90% of the budget was funded by Federal and State grants, and the remainder came from private donations and in-kind or contributed services. Only what the record describes as a "miniscule" portion of the Employer's annual expenses are funded by the Catholic Church or the Sisters of Mercy.

Generally, the Board will not assert jurisdiction over non-profit religious organizations. *Motherhouse of the Sisters of Charity of Cincinnati, Ohio*, 232 NLRB 318 (1977); *Board of Jewish Education of Greater Washington, D.C.*, 210 NLRB 1037 (1974). However, the Board will assert jurisdiction over those operations of such religious organizations which are commercial in nature. *The First Church of Christ, Scientist*, 194 NLRB 1006 (1972); *World Evangelism, Inc.*, 248 NLRB 909 (1980). In deciding whether to assert jurisdiction over a religious organization, the Board applies the following two-fold test: (1) Is the employer engaged in activities which are commercial in the generally accepted sense? and (2) do the employees sought to be represented allocate a substantial amount of time to activities which are commercial in nature?

In *The First Church of Christ, Scientist, supra*, the petitioning unions sought to represent units of electrical and carpentry employees who worked throughout an employer's building complex which served as the "Mother Church" of the Christian Science religious denomination. The complex consisted of the Church edifice, the Christian Science publishing building from which the Christian Science Monitor

newspaper and other religious documents are published, and other buildings containing stores and apartments. The Board asserted jurisdiction despite the employer's contention that all of its activities, including the clearly commercial publication of a general circulation newspaper and the rental of office and retail space to the public, were involved with the furtherance of the Christian Science religion and required by Church bylaws. In doing so, the Board noted that it is immaterial that the employer's commercial activities "may be motivated by considerations other than those applicable to enterprises which are in the accepted sense commercial." *Id.* at 1008.

Similarly, in *World Evangelism, Inc., supra*, the Board asserted jurisdiction over a complex of buildings, including a main tower containing offices, hotel rooms, restaurants and bars, three separate hotel or motel buildings, and a building housing a convention center, which were owned and operated by an organization which controlled a worldwide network of interdenominational evangelical Christian ministries. The administrative law judge's decision, adopted in full by the Board, noted that although the employer intended to use the entire complex at some future time for exclusively religious purposes, the record established that the employer's present revenues from the building complex did not "derive exclusively from traditional religious activity and related solicitations from its religious adherents." *Id.* at 913. Rather, the employer therein relied on nonreligious commercial activity as one its sources of revenue which, standing alone, satisfied the Board's statutory and discretionary standards for the assertion of jurisdiction. Moreover, the administrative law judge noted (at page 914) that a substantial portion of the time spent by unit employees related to commercial activities and were not limited to those aspects of the employer's operations which were religious in nature.

In several other cases, however, the Board declined to assert jurisdiction over religious organizations which engaged in some commercial activities. In *Motherhouse of the Sisters of Charity of Cincinnati, Ohio, supra*, the petitioning union sought to represent a unit of service and maintenance employees at the "Motherhouse", a "partially cloistered convent" which was the "permanent and legal residence" of a nonprofit religious order. The Motherhouse was located on 300 acres of land and consisted of several residence buildings, a nursing home which was leased to and

operated by a private nonprofit hospital, and a number of service buildings, including a kitchen, laundry and power plant, which serviced all of the residences and the nursing home. The residences were occupied by 129 members of the order, and the nursing home was occupied by 95 members of the order and 25 close relatives of members. The Motherhouse was compensated by the hospital for providing laundry, food service, maintenance, housekeeping and heat for the nursing home. In concluding that “unique circumstances” justified a finding that the services provided by the Motherhouse to the nursing home were on a noncommercial basis, the Board, at 319, stated:

The nursing home . . . is essentially maintained for the purpose of enabling infirm members of the Order to continue the practice of their religion and their existence as part of the religious community, as well as to provide them with subsistence. Indeed it appears, based on the record as a whole, that the home would not exist but for the fact that its occupants, in the main, are Sisters belonging to the religious Order. Thus, the facility is located on the convent grounds; the Order owns the land and buildings in which the home is located; the facility serves only members of the Order and a few relatives of members who cannot afford other arrangements; and the Order pays the total cost of patient care services. Under these circumstances, we conclude that the nursing home facility in essence exists for the purpose of enabling infirm members of the Order to participate in the religious community. We further conclude that, since the services provided by the Order to the home are ancillary to the above-stated objective, the Order supplies such services on a noncommercial basis and in furtherance of its religious objectives. (footnotes omitted).

In *Faith Center - WHCT Channel 18*, 261 NLRB 106 (1982), the Board reaffirmed that it will not assert jurisdiction over religious institutions which operate “in a conventional sense using conventional means,” and declined to assert jurisdiction over an “electronic church of the air” which relied solely upon its extensive broadcasting facilities to accomplish its religious mission. In so doing, the Board was not persuaded by the fact that the broadcast technicians in that case had no religious connection to the employer’s religious mission and spent all of their working time performing clearly secular tasks, and found, in effect, that the secular nature of their work was necessary to effectuate the employer’s religious mission.

In *The Riverside Church in the City of New York*, 309 NLRB 806 (1992), the Board again declined to exercise its jurisdiction over a church operating “in a conventional sense using conventional means,” even though the church engaged in some activities which were commercial in nature. In this regard, the Board noted that even if the revenues from the commercial operations were more than a de minimis portion of the employer’s revenues, the evidence did not establish that the petitioned-for employees spent a substantial amount of their time in activities related to the commercial portions of the employer’s operations.

Based upon the foregoing and the record as a whole, I find that the Employer’s operations are more akin to those entities over which the Board exercised jurisdiction in *The First Church of Christ, Scientist and World Evangelism, Inc.*, and are clearly distinguishable from *Motherhouse of the Sisters of Charity, Faith Center and Riverside Church*, which the Board found to be primarily religious operations each with a minor commercial component that was necessary to support the overall religious operations. More particularly, I note that the Employer’s clients are unaffiliated with the Sisters of Mercy or any other religious organization, and the Employer provides the same services to its clients in a context which appears to be wholly unrelated to the religious activities of the Sisters of Mercy. In this regard, I note further that none of the employees in the petitioned-for unit are involved in providing any religious instruction or services to any of the Employer’s clients, but rather are expected to abide by the Employer’s mission statement which is devoid of any religious overtones. Moreover, I note the absence of any evidence that compliance with the provisions of the Act would contravene any official doctrine of the Catholic Church or the Sisters of Mercy. In this regard, none of the petitioned-for employees play any role in the religious operations of the Sisters of Mercy. Rather, their work is conducted in a secular environment and is only remotely related to the ability of the Sisters of Mercy to propagate their religious beliefs and engage in religious activity. See *World Evangelism, Inc.*, supra, at 915; *Tressler Lutheran Home v. N.L.R.B.*, 677 F.2d 302, 110 LRRM 2197 (3rd Cir. 1982); *N.L.R.B. v. St. Louis Christian Home*, 663 F.2d 60, 108 LRRM 2969 (D.C. Cir., 1981); *Mid-American Health Services, Inc.*, 247 NLRB 752 (1980).⁴ Furthermore, the Board has

⁴ See also the unpublished decision in *Mercyknoll, Inc.*, supra.

specifically rejected, under similar factual circumstances, the assertion made by the Employer that the Board should decline to exercise jurisdiction over it because the services provided by the Employer to the community are not “commercial in nature” and are carried out as a “mission” of the Sisters of Mercy. *The Salvation Army*, 225 NLRB 406 (1976); *Father Flanagan’s Boys Home*, 225 NLRB 782 (1976).

Accordingly, inasmuch as the Employer is engaged in activities which are commercial in the generally accepted sense, and the employees sought to be represented allocate all of their time to those commercial activities, I find that the Employer is engaged in commerce within the meaning of the Act and that it will effectuate the policies of the Act to assert jurisdiction herein.⁵

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. Although otherwise in accord as to the scope and composition of the unit, the Employer, contrary to the Petitioner, would exclude the accounts receivable/payroll clerk (herein also called the receivable clerk) and the accounts payable/payroll clerk (herein also called the payable clerk) because they are either confidential employees or lack a community of interest with employees in the petitioned-for unit.

The record reflects that the receivable clerk and the payable clerk work in the Employer’s administrative offices at the Wyllys Street facility and report directly to the Director of Finance. They have no work related contacts with any of the Employer’s clients. The other individuals who work at the Wyllys Street facility are the Executive Director, Personnel Director, Director of Quality Assurance, and an office manager, all of whom the parties have stipulated to exclude from the petitioned-for unit.

The payable clerk is generally responsible for maintaining all accounts payable, payroll and personnel information. All such work is performed at the Wyllys Street

⁵ Contrary to the Employer’s assertion, the record establishes that the Employer satisfies the Board’s monetary standards for the assertion of jurisdiction. More particularly, during the past year the Employer derived gross revenues of \$3.7 million, a significant portion of which came from Federal grants.

facility. This requires the payable clerk, inter alia, to process all payroll information necessary for the issuance of payroll checks to hourly employees, including the review of time sheets for proper calculation of time worked. The payable clerk also prepares and maintains a “time track spreadsheet” for each hourly employee based on time sheet information and applicable agency personnel policies regarding sick, vacation, holiday and personal time. The payable clerk is directly responsible for maintaining all employee personnel files, and for retrieving information from such files.

The receivable clerk is generally responsible for collecting and maintaining all accounts receivable information, and serves as a back up to the payable clerk regarding all payroll processing duties, including the maintenance of time sheet information. Although the receivable clerk spends approximately 24 to 32 hours per month at the Employer’s other three facilities for the purpose of reconciling accounts and delivering the bi-weekly paychecks to the Middletown facility, there is no evidence that she has any work-related contacts with any employees in the petitioned-for unit during those visits.

The record generally reflects that there are employees in the petitioned-for unit at the Employer’s other facilities who perform secretarial duties. However, there is no evidence regarding the nature or scope of these duties. Although employees in the petitioned-for unit may visit the Wyllys Street facility when they have a payroll or personnel problem, the record does not reflect the duration or frequency of such visits. An employee in the petitioned-for unit delivers the mail to Wyllys Street on a daily basis, but here too the record does not reflect the length of such visits or whether this employee comes into contact with the payable clerk or receivable clerk.

The receivable clerk and payable clerk are paid on an hourly basis and receive overtime. All benefits and personnel policies are the same for all hourly employees. All employees at the Employer’s Main Street, Wethersfield Avenue and Middletown facilities are supervised by individuals located at their respective facilities. Finally, unlike the other employees in the petitioned-for unit, whose duties bring them into

See *Mon Valley United Health Services, Inc.*, 227 NLRB 728 (1977); *East Oakland Community Health Alliance, Inc.*, 218 NLRB 1270 (1975).

regular contact with the Employer's clients, there is no evidence that either the receivable clerk or the payable clerk has any client contact.

Based upon the foregoing and the record as a whole, I find that the receivable clerk and the payable clerk lack a sufficient community of interest with employees in the petitioned-for unit to permit their inclusion therein. More particularly, I note that they perform traditional business office functions almost exclusively in the Employer's administrative office; that there is a high degree of interchange and contact between the receivable and payable clerks, but no interchange and minimal contact between the clerks and other employees in the petitioned-for unit, none of whom work in the administrative office; and that the clerks are subject to separate supervision in a separate facility performing entirely different duties from the employees in the petitioned-for unit. Accordingly, I shall exclude these positions from the petitioned-for unit. *Resident Home for the Mentally Retarded of Hamilton County, Inc.*, 239 NLRB 3, 7 (1978); *Mercy Hospital of Sacramento, Inc.*, 217 NLRB 765, 770 (1975).⁶

The record reflects that certain employees in the petitioned-for unit are professional employees whose inclusion in a unit with non-professional employees is precluded by Section 9(b)(1) of the Act unless a majority of the professional employees vote for inclusion, pursuant to the Board's decision in *Sonotone Corporation*, 90 NLRB 1236, 1241 (1950). Thus, I shall direct separate elections among the following voting groups of professional and non-professional employees:

- (a) All full-time and regular part-time professional employees, including case workers and case managers, employed by the Employer at its facilities located at 118 Main Street and 117 Wethersfield Avenue, Hartford, Connecticut and 112 Bow Lane, Middletown, Connecticut; but excluding all technical employees, service and maintenance employees, clerical employees, monitors, cooks, vocational counselors, the administrative program coordinator, the secretary to the director of mental health services, the secretary to the director of supportive housing, the support services coordinator, the family education specialist, the soup kitchen coordinator, the emergency shelter coordinator, the support services coordinator, the office manager, the community integration program manager, the casework services program manager, the executive director, the personnel director, program directors, the associate director of Hartford Residential Services, the residential coordinator, the

⁶ In light of my exclusion of the receivable clerk and payable clerk from the petitioned-for unit, it is unnecessary to determine whether they are confidential employees.

development director, the finance director, the secretary for Middletown, the accounts receivable/payroll clerk, the accounts payable/payroll clerk, and guards and other supervisors as defined in the Act.

(b) All full-time and regular part-time technical employees, service and maintenance employees, clerical employees, monitors, cooks, vocational counselors, the administrative program coordinator, the secretary to the director of mental health services, and the secretary to the director of supportive housing employed by the Employer at its facilities located at 118 Main Street and 117 Wethersfield Avenue, Hartford, Connecticut and 112 Bow Lane, Middletown, Connecticut; but excluding case workers, case managers, the support services coordinator, the family education specialist, the soup kitchen coordinator, the emergency shelter coordinator, the support services coordinator, the office manager, the community integration program manager, the casework services program manager, the executive director, the personnel director, program directors, the associate director of Hartford Residential Services, the residential coordinator, the development director, the finance director, the secretary for Middletown, the accounts receivable/payroll clerk, the accounts payable/payroll clerk, and guards, other professional employees and other supervisors as defined in the Act.

The employees in voting group (a) will be asked the following questions on their ballot:

(1) Do you desire to be included in the same unit as non-professional employees employed by the Employer at its Hartford and Middletown, Connecticut facilities for the purpose of collective bargaining? (2) Do you desire to be represented for the purpose of collective bargaining by New England Health Care Employees Union, District 1199, AFL-CIO? If a majority of the employees in voting group (a) vote yes to the first question, indicating their desire to be included in a unit with the non-professional employees, they will be so included; and their vote on the second question will then be counted with the votes of the non-professional employees in voting group (b) to decide if they will be represented by the Petitioner for the combined bargaining unit (professional and non-professional). If, on the other hand, a majority of the employees in voting group (a) do not vote for inclusion with the non-professional employees, they will not be included with the non-professional employees and their votes on the second question will then be separately counted to decide whether they wish to be represented by the Petitioner in a separate unit.

In view of the above, my unit determination is based, in part, on the results of the professional employee vote. However, I now make the following findings in regard to the appropriate unit:

1. If a majority of the professional employees vote for inclusion in a unit with the non-professional employees, I find that the following employees will constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time professional employees, case workers, case managers, technical employees, service and maintenance employees, clerical employees, monitors, cooks, vocational counselors, the administrative program coordinator, the secretary to the director of mental health services, and the secretary to the director of supportive housing employed by the Employer at its facilities located at 118 Main Street and 117 Wethersfield Avenue, Hartford, Connecticut and 112 Bow Lane, Middletown, Connecticut; but excluding the support services coordinator, the family education specialist, the soup kitchen coordinator, the emergency shelter coordinator, the support services coordinator, the office manager, the community integration program manager, the casework services program manager, the executive director, the personnel director, program directors, the associate director of Hartford Residential Services, the residential coordinator, the development director, the finance director, the secretary for Middletown, the accounts receivable/payroll clerk, the accounts payable/payroll clerk, and guards and other supervisors as defined in the Act.

2. If a majority of the professional employees do not vote for inclusion in a unit with the non-professional employees, I find the following two units to be appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time professional employees, including case workers and case managers, employed by the Employer at its facilities located at 118 Main Street and 117 Wethersfield Avenue, Hartford, Connecticut and 112 Bow Lane, Middletown, Connecticut; but excluding all technical employees, service and maintenance employees, clerical employees, monitors, cooks, vocational counselors, the administrative program coordinator, the secretary to the director of mental health services, the secretary to the director of supportive housing, the support services coordinator, the family education specialist, the soup kitchen coordinator, the emergency shelter coordinator, the support services coordinator, the office manager, the community integration program manager, the casework services program manager, the

executive director, the personnel director, program directors, the associate director of Hartford Residential Services, the residential coordinator, the development director, the finance director, the secretary for Middletown, the accounts receivable/payroll clerk, the accounts payable/payroll clerk, and guards and other supervisors as defined in the Act.

All full-time and regular part-time technical employees, service and maintenance employees, clerical employees, monitors, cooks, vocational counselors, the administrative program coordinator, the secretary to the director of mental health services, and the secretary to the director of supportive housing employed by the Employer at its facilities located at 118 Main Street and 117 Wethersfield Avenue, Hartford, Connecticut and 112 Bow Lane, Middletown, Connecticut; but excluding case workers, case managers, the support services coordinator, the family education specialist, the soup kitchen coordinator, the emergency shelter coordinator, the support services coordinator, the office manager, the community integration program manager, the casework services program manager, the executive director, the personnel director, program directors, the associate director of Hartford Residential Services, the residential coordinator, the development director, the finance director, the secretary for Middletown, the accounts receivable/payroll clerk, the accounts payable/payroll clerk, and guards, other professional employees and other supervisors as defined in the Act.

DIRECTION OF ELECTIONS

Elections by secret ballot shall be conducted by the undersigned among the employees in the voting groups described above at the time and place set forth in the notices of elections to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the units who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause,

employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. These eligible employees shall vote whether or not they desire to be represented for collective-bargaining purposes by New England Health Care Employees Union, District 1199, AFL-CIO.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the elections should have access to a list of voters and their addresses which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Elections, the Employer shall file with the undersigned, separate eligibility lists containing the *full* names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359 (1994). The undersigned shall make the lists available to all parties to the elections. In order to be timely filed, such lists must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before December 17, 1999. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

[Right to Request Review](#)

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by December 27, 1999.

Dated at Hartford, Connecticut this 10th day of December, 1999.

/s/ Peter B. Hoffman

Peter B. Hoffman, Regional Director
National Labor Relations Board
Region 34

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